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August 17, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

**Re: Biennial Regulatory Review – 47 C.F.R.
Part 90 – Private Land Mobile Radio Service
WT Docket No. 98-182**

Dear Ms. Salas:

I am writing on behalf of the American Automobile Association ("AAA") to respond to the July 25, 2001 ex parte letter filed in the above referenced docket on behalf of the Industrial Telecommunications Association, Inc., MRFAC, Inc. and the Personal Communications Industry Association ("ITA Letter"). AAA is concerned about the ITA Letter's effort to mischaracterize AAA's position as an attempt to return to outdated standards prevalent before refarming. Instead, since filing its original comments, AAA has continued to refine its proposal to narrow the circumstances where AAA would seek to coordinate any high power use of dockside channels. In this letter, AAA further refines its proposal to seek designation as the frequency coordinator only for those situations where AERS and high power dockside frequencies are paired.

As stated in prior filings, AAA does not seek a monopoly in coordinating frequency use for the eight 1/ dockside channels at issue. AAA heartily

1/ One of the eight channels originally proposed, 457.5375 MHz, is being considered by the Commission for low power operations as proposed by the Land Mobile Communication Council ("LMCC Plan"). If the Commission decides to retain this channel as part of the LMCC Plan, AAA agrees with ITA *et al.* that the channel should not be affected by AAA's proposal. *See Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band*, Notice of

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concur with the ITA Letter's statement that "in any given year AAA coordinates only a very small fraction of the applications coordinated by the typical industrial/business coordinator." AAA's underlying objective is not to expand its role in frequency coordination, but to ensure the effective prevention of interference to the licensees that use the Auto Emergency Road Service ("AERS") frequencies. ^{2/} AAA proposes, therefore, that *users of dockside channels not being paired with AERS frequencies should continue to work with their coordinators of choice*, thus preventing the "enormously disruptive" impact on existing licensee/coordinator relationships suggested by the ITA Letter.

Unlike non-paired operations, however, the pairing of high power dockside channels with an AERS channel creates a radio "system" situation that requires a heightened level of frequency coordinator scrutiny, which the AAA frequency coordinator is ideally suited to provide. For this reason, AAA strongly urges that the Commission designate the AAA frequency coordinator as the coordinator for the relatively few channels and expected applications requesting pairing between the high power dockside and AERS channels. Both Congress and the Commission have recognized the important public safety function provided by AERS frequencies and have indicated that these frequencies deserve special consideration, which can be achieved by designating one coordinator to be accountable for their proper usage. ^{3/} The same compelling public interest rationale that led the Commission to make AAA the frequency coordinator for the AERS frequencies should apply equally to these specific and few paired frequency arrangements.

Proposed Rulemaking, WT Docket No. 01-146, FCC 01-199 (rel. July 24, 2001) at ¶ 13.

^{2/} AAA has a special technical need to pair these channels to utilize them, where appropriate, for advanced digital data communications. Digital data is more spectrally efficient than analog voice radio and enables AAA to provide a more responsive road service to the public.

^{3/} See *In re Matter of Replacement of Part 90 By Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services*, Second Memorandum Opinion & Order, 14 FCC Rcd 8642, 8650-51 (1999) (concluding that "the public interest would be best served by requiring that frequencies in the former AERS be coordinated only by AAA . . .").

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The most likely applicants for the channel pairings, moreover, are the auto clubs that predominantly already use the AERS half of the proposed pairing (and are already coordinated by the AAA frequency coordinator). If a non-auto club applicant applies for both channels and it is possible to grant the request without harmful interference to incumbents, the AAA frequency coordinator will do so, as it has always done. In any event, under current rules an applicant for AERS/dockside channel pairing would need to use the AAA frequency coordinator for the AERS frequency. Thus, using the AAA coordinator for the dockside frequency as well actually streamlines the process from the applicant's perspective.

Finally, the ITA Letter attacks AAA for suggesting that sound engineering analysis should be used to determine potential channel interference. By some considerable stretch of the imagination, ITA *et al.* speculate that AAA is seeking a return to a pool-specific "consensual arrangement" approach, whereby an applicant must demonstrate that no frequencies are available in its own pool before gaining access to frequencies in another pool. For the record, AAA contemplates no such arrangement, nor anything even remotely related. AAA's core concern in this proceeding has always been to protect existing AERS channels, as well as the incumbent dockside channel users, from interference using the established engineering standard of 39 and 21 dBu contour analysis. Recent experience has proven that a few coordinators have not been sufficiently diligent in preventing interference and in following the Commission's rules. ^{4/} While other coordinators are certainly capable of performing a sound analysis, the AAA frequency coordinator – as a not-for-profit entity – is uniquely motivated by the goal of protecting the AERS frequencies, and those paired with AERS, from harmful interference. For this reason, AAA believes the Commission should grant its very limited request for coordination authority over AERS/high power dockside paired frequencies.

Throughout this proceeding, AAA has presented the Commission with constructive proposals for: (1) increasing the availability and efficient use of spectrum for AERS as well as industrial/business pool users; and (2) protecting AERS licensees from harmful interference that threatens the public's safety. AAA

^{4/} See Supplemental Comments of AAA, WT Docket No. 98-183 (Aug. 26, 1999) at 4-6 (noting problems for auto club licensees caused by certain frequency coordinator assignments).

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has been open to compromise to achieve these objectives. In fact, AAA met with representatives of ITA *et al.* in an effort to craft a compromise addressing the concerns of all the parties. At that meeting, these organizations gave no indication that they misunderstood AAA's position, but AAA has used the insights gained from that meeting to further refine its proposal. We hope that this letter clarifies AAA's view that the greatest efficiency and level of protection could be achieved by designating it as the frequency coordinator for situations where high power dockside and AERS frequencies are paired.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michele Farquhar". The signature is fluid and cursive, with the first name "Michele" and last name "Farquhar" clearly distinguishable.

Michele C. Farquhar
David L. Martin
Counsel for American Automobile
Association

cc: D'wana Terry
Peter Daronco
Brian Marengo
Guy Benson